

**REPORT - PLANNING COMMISSION MEETING**  
**August 26, 2004**

**Project Name and Number:** Alameda Residence (PLN2004-00214)

**Applicant:** Irv Alameda

**Proposal:** To consider a Planned District minor amendment and a Preliminary Grading Plan for an 8,064 square foot residence, including a detached garage.

**Recommended Action:** Continue to provide direction to the applicant; or, Approve, subject to findings and conditions.

**Location:** Clara Terrace, Lot 7 of Tract 6850 in the Mission San Jose Planning Area

**Assessor Parcel Number(s):** 525-0285-007-00

**Area:** 10 acres

**Owner:** Irv Alameda

**Agent of Applicant:** Kartik Patel, ARCHevon

**Environmental Review:** A Mitigated Negative Declaration has been previously prepared and adopted for the Planned District subdivision, which included the anticipated development of this lot.

**Existing General Plan:** Hill Face Open Space

**Existing Zoning:** P-96-8

**Existing Land Use:** Undeveloped

**Public Hearing Notice:** Public hearing notification is applicable. A total of 35 notices were mailed to owners and occupants of property within 300 feet of the site on the following streets: Clara Court, Lucy Court, Castro Lane, Canyon Heights Drive, and Pementel Court, among others. The notices to owners and occupants were mailed on August 13, 2004. A Public Hearing Notice was delivered to The Argus on August 9, 2004 to be published by August 12, 2004.

**BACKGROUND:** On March 29, 2004, the applicant submitted an application for a Planned District Minor Amendment to P-96-8 for the development of a 7,376 square foot residence and a 670 square foot detached garage on the lot.

On July 8, 2004, the Planning Commission directed the applicant and project architect to provide additional visual analyses and explore the possibilities of modifying the project to better achieve conformity with the Hill Area policies and standards (discussed in detail below).

On August 6, 2004, the project architect submitted revised plans for the project. The project architect indicated that the plans have been revised in accordance with the direction provided, and that a context map showing adjacent properties and supplemental visual analyses are provided in support of the project.

A complete background on the lot was included in the July 8, 2004 staff report (enclosed).

**July 8, 2004 Planning Commission Meeting:** On July 8, 2004, the Planning Commission was provided with the background on this parcel, Lot 7 of Tract 6850, and on the Hill Area Initiative of 2002 (Measure T). Lot 7 was created as part of a residential Planned District (P-96-8) located east of Mission Boulevard in the Mission San Jose Planning Area. Under Measure T (and the original Hillside Initiative of 1981, Measure A), the lot is located above the identified Toe-of-the-Hill line and is, therefore, subject to the Hill Area policies and standards. At that time, staff recommended and the Planning Commission directed the applicant and project architect to work with staff to reduce the visual impacts of the project to the extent practicable, in compliance with as many of the Hill Area policies and standards (Measure T) as possible. The Commission was concerned that the project as proposed had a potential to cause visual impacts and thus requested the applicant to explore alternative ways to reduce the impacts. The Commission noted that the siting, size, and amount of glazing on the structure, as well as the amount of disturbance of the hillside as a result of the exterior improvements, were the main concerns. While the Commission expressed its concerns, it also complimented the project architect on an appropriately designed residence to which "every guideline under Measure A [the original Hill Initiative]" was followed.

One member of the public raised a concern regarding the geological impact of the project proposed in that it would "compromise the safety of the potential occupants [of the new residence] and nearby residents if a home was allowed to built on this site". Development on the site, as conditioned, would be subject to appropriate engineered designs in conformance with current geotechnical standards to meet applicable federal, state and local building and fire code requirements. As part of that requirement, a geotechnical evaluation of the site performed by a qualified engineering consultant, and the peer review of such evaluation, would be required. Any mitigating criteria established in the final geotechnical evaluation, as accepted by the City Engineer, would be incorporated into the project design and implemented during construction (Condition A-8).

**Project Description:** The applicant requests a Planned District minor amendment and a Preliminary Grading Plan for the development and use of a 7,376 square foot residence and a 670 square foot detached garage. The size and location of the proposed residence, including the proposed exterior improvements, remain identical to the plans previously presented to the Commission. However, some architectural elements, such as the glazing and the garage door elements, have been modified. The description of the proposed revised design is provided below.

The architect continues to describe the residence as a "modern house" that is "designed to be singularly unique and architecturally significant", and that the "architecture pulls its design vocabulary from the California Vernacular-Post and Beam and Shingle Style Houses". Whereas previously a two-garage door was proposed, now, two, single-garage doors are proposed. The glazing on the southwest side of the proposed residence is redesigned and reduced in area. In addition to these changes, a context map showing the adjacent developed homes, additional visual analyses, including a sectional analysis, are provided. Other aspects of the proposed design, including exterior cladding and materials, brackets, the color treatment of exterior elements and building massing and location, remain unchanged.

The design of the residence continues to respond to the topography of the site by stepping the home with the slope of the land. The floor plan of the main residence is terraced in five levels. The garage, front porch entry, driveway apron and associated landscape and hardscape improvements, including the detached workshop/garage flanking the front side of the proposed residence to the south, are located on the ground floor. A guest bedroom is proposed directly above the attached garage. The main level consists of the living room, kitchen, nook, dining room, theatre, an outdoor oval patio on the west elevation, patios on the north elevation, and other ancillary rooms for storage and laundry. The upper floor (or bedroom level) consists of the master bedroom and two smaller bedrooms with associated closets and bathrooms. Exterior patios also flank the north (left) and east (rear) sides of the residence. All levels of the proposed residence are accessible via internal stairwells and elevators.

The roofing profile consists of a combination of flat and valley roofs. The roof material is proposed in a matte gray standing seam metal material. The flat portions of the roof are proposed at the oval patio on the main level at the front portion of the residence and at the smaller bedrooms on the upper or bedroom level. The exterior cladding of the residence consists of a variety of materials, which are proposed to further differentiate the components of the building and break up the overall mass of the home. Brick, stone, tongue and groove composition wood siding and smooth cement plaster are proposed as exterior cladding. The cement plaster is treated in two tones of tan colors,

“Under Brush” and “Pure Butter”. The brick and stone veneers are in earth-tone colors and the composition siding is in a stained redwood color. Door and window frames will be treated in an “Amber” brownish color, and the wood brackets in a deeper “Ophelia” dark brownish color.

Associated landscape and hardscape improvements also remain unchanged, including patios which extend from the north side of the home to the east or rear side of the home.

## **PROJECT ANALYSIS:**

**General Plan Conformance:** The existing General Plan land use designation for the project site is Hill Face Open Space. The proposed project is consistent with the existing General Plan land use designation for the project site because the development of one single-family residence is permitted on the subject parcel.

**Zoning Regulations:** Planned District P-96-8 requires Lots 6 through 9 and 42 of the approved subdivision to conform to the following yard area requirements:

- Front Yard: 35 feet
- Side Yard: 15 feet minimum
- Rear Yard: 40 feet
- Side Street Side Yard: 20 feet
- Architectural projections (eaves, fireplaces, bay windows, and the like) may extend three feet into required yards.
- Yard requirements and the provisions of the Fremont Municipal Code, subject to the review and approval of staff during the Development Organization review process shall govern setbacks not specifically modified in the Planned District.

The proposed project meets all of the above-mentioned setback requirements. In addition, the H-I District requires the building height not to exceed 30 feet. At the highest point of the proposed residence at the main floor (or great room) level, the height of the residence is at 30 feet.

**Parking:** The Fremont Municipal Code (FMC) requires a minimum of two covered parking spaces per single-family dwelling with four or less bedrooms. The proposed project provides three covered parking spaces for the proposed four-bedroom, single-family residence. Additionally, the motor courtyard provides at least three additional uncovered parking spaces.

**Waste Management:** This project is subject to the provisions of the California Integrated Waste Management Act of 1989 (AB939), the City’s Source Reduction and Recycling Element (1992), the Integrated Waste Management Ordinance (1995), and the Commercial/Industrial Recycling Plan (1997). These documents require that any new project for which a building permit application is submitted to include adequate, accessible, and convenient areas for collecting and loading trash and recyclable materials. For storage purposes, the garbage and recyclable containers for this residence will be required to be located in an appropriate location and fully screened, subject to review and approval by Development Organization staff.

## **DESIGN ANALYSIS:**

**Site Design:** The project site is a steeply sloping ten-acre lot with existing ground elevations that vary from 490 feet, along the eastern boundary, to approximately 180 feet, along the western boundary. The proposed project (residence and associated improvements) is located on the western side of the lot, below the 250-foot elevation contour. The terraced floor plan ranges in elevation from the 210-foot natural contour to the 244-foot natural contour. Based on the plan submitted by the project engineer, the slope of the building footprint averages 32 to 33 percent (32-33%). Whereas development on the site otherwise would be prohibited based on Measure T, which disallows development on a slope of 30% or more, the subject lot was created and accepted by the City prior to the adoption of Measure T. At the time of the approval of the Planned District, a buildable area was indicated for this lot containing a slope of less than 30%. (A further discussion of this issue is set forth below, under “Hill Area Initiative of 2002” (Measure T) Steep Slopes.)

The Commission directed the applicant to provide additional visual analyses so that (a) it could be aided with an analysis which shows the proposed residence in context with adjacent residences; and, (b), it could better understand the visual implications of the project. The Commission also directed the project architect to look into the possibility of relocating the residence further down the lot at a lower elevation or design it such that, instead of the five-level tiered floor plan, a four-level tiered floor plan is developed to avoid the disturbance at the upper portion of the lot. These alternatives were discussed and the applicant agreed to explore them. In the revised proposal, however, the home is neither relocated nor is the floor plan changed. Based on the supplement visual analyses, the limited area (or 35-foot setback) available to provide vehicular backup space and access to the detached garage, the increased visual bulk and mass perceived from a 4-level floor plan, and, the difficulty of designing a project as it relates to the existing grade (currently successive retaining walls are proposed to create a usable driveway adjacent to a drainage swale), the project architect indicated that the project as presently proposed meets the standards of Measure T to the extent feasible. While designing a home on the site is challenging, the Commission should consider the proposed modifications and supplemental visual analyses and either provide further direction to the applicant or approve the project, subject to findings and conditions.

**Architecture:** In general, the architectural design of the proposed residence remains interesting with a uniquely modern appearance. The residence as proposed appropriately steps down the natural terrain with a terraced floor plan that cascades down to the lower portion of the lot. Additionally, the massing of the residence as proposed also is broken up to reduce the otherwise perceived appearance of a large residence, which can also be considered as an appropriate method to reduce the overall visual impact of the project. The project architect has attempted to revise the design of the residence and has implemented modifications to the project to address some of the concerns raised by the staff and the Commission.

**Hill Area Initiative of 2002 (Measure T):** The project site is located above the TOH line as defined by Measure T and thus must be reviewed for conformance with Measure T performance standards. The following Measure T provisions are recited here as being particularly applicable.

- **Parcel Size:** The initiative establishes a new minimum parcel size of twenty acres for all parcels in the Hill Area within City limits on January 1, 2002. The project is located on a parcel, which was a legal lot of record prior to the adoption of Measure T, and thus is not required to comply with Measure T's minimum lot size requirement.
- **Permitted Use:** A single-family residence, as well as its appropriate ancillary structures (e.g., a detached workshop/garage), is permitted on each legal parcel as well as secondary units to the extent required by State Law. However, all residential development in the "Hill Area" as defined by Measure T is subject to the Site Plan and Architectural Approval process by the Planning Commission.
- **Wetlands and Riparian Corridors:** Measure T does not allow the development of structures within "200 feet from the center of a permanent or intermittent stream bed". Neither is the proposed building site nor is the subject parcel itself located within 200 feet of a riparian corridor.
- **Critical Wildlife Habitat:** Development of the subject site will not impair any critical habitat, designated by the United States Fish and Wildlife Service for preservation of endangered or threatened plant and animal species. The subject site is adjacent to the development of existing single-family homes on its west side and there is no evidence of any endangered or threatened plant and animal species. No trees exist on the project site. The project site mostly consists of grasses commonly found in the Hill Area and some barren land.
- **Steep Slopes:** Under Measure T, no structure or building (e.g., the residence and accessory structures), in whole or in part, may encroach on a slope of thirty percent (30%) or more. Based on the plans provided by the project engineer, except for a very small portion of the lot adjacent to the existing private road, the entire buildable area of the lot exceeds a slope of 30% or more. It is impracticable for any project to be developed on this site consistent with this provision.

Section 7 of Measure T includes as a permitted use 'one single family home on each legal parcel'. The applicant's 10-acre parcel, created in 1996, is a legal lot of record. Therefore, while the applicant may develop a single-family home on the applicant's parcel, the City is required to 'permit only that minimum development required by law which is most consistent with the provisions and purposes of [Measure T]' (see Section 3 of Measure T). Thus, the applicant's proposed single family home should still comply with the restrictions and safeguards of Measure T to the greatest extent practicable.

- **Ridgelines and hilltops:** The project-building site is not located on a ridgeline or hilltop, but on the hill face in the Mission San Jose hill area.
- **Development Envelopes:** Measure T requires that all buildings (i.e., any structure having a roof supported by walls or columns) on a parcel "shall be placed within a contiguous 'development envelope' not to exceed two acres." The project complies with this provision.
- **Visual Safeguards:** Measure T states that "to the extent practicable, structures shall be located, including by setbacks from parcel boundaries, on that part of a parcel...that minimizes visibility from public places." Staff believes that the project is not completely consistent with this performance standard. As previously indicated, the Planning Commission should consider the additional visual analyses submitted and modifications proposed in its determination as to the project's conformity to this provision.
- **Easements:** Measure T states, "An easement, conveyed to the City or the City's appropriate designee, shall be required for each parcel with respect to which development is permitted...[such] easement shall bar any further development that would not be permitted under this ordinance [Measure T]." It further states, "The easement shall terminate when the parcel is restored substantially to its pre-development condition, so far as the effects of development are concerned." Measure T requires that an easement (that conveys no possessory interest to the City, nor confers any right to public access) be recorded on the subject site, particularly affecting the constrained areas of the site, to ensure conformity with the adopted performance standards. If the parcel is restored to its original condition, such as removal of all structures and grading a site substantially back to its pre-development condition, the easement would be terminated. Should the Planning Commission approve the project, the applicant will be required to comply with this standard, prior to the issuance of a building permit (Condition A-6).

**Landscaping/Open Space:** The project as proposed includes an appropriate conceptual landscape plan. The applicant proposes California White Oak trees on the south side of the proposed residence. A row of California Pepper trees is proposed along the west side of the residence. New Zealand Tea trees are proposed in the north side yard of the residence. A variety of shrubs and groundcover are also proposed.

## **ENGINEERING ANALYSIS:**

**Circulation/Access Analysis:** The project site, Lot 7 of Tract 6850, is accessed from Clara Terrace, an improved private street, which also provides access to Lots 6, 8 and 9. The site is at the end of Clara Terrace, and the proposed residence driveway extends approximately 135 feet into the site, from the end of Clara Terrace to the proposed detached garage. The driveway width varies between 12 feet at the detached garage, 30 feet in front of the main garage, and sixteen feet at the connection with Clara Terrace. The driveway is proposed to slope up to 20 percent, the maximum permissible in hillside development.

At the July 8, 2004, meeting, the Planning Commission asked whether the access road (Clara Terrace) crossed a 30 percent slope and what percent the ground slope was, before the road was constructed. According to the preliminary grading plan for Castro Ranch, planned district P-96-8, approved by Planning Commission on April 25, 1996, the original ground slope averaged approximately twenty percent (20%) over the four hundred foot long private street. The steepest area, where the street was built, was the turn around area at the end of Clara Terrace, near the project site, where the existing grade was at twenty-five percent (25%).

**Grading/Topography:** At the July 8, 2004, meeting, the Planning Commission suggested that the applicant consider moving the home to the west, further down the hill, and suggested that the applicant work with staff

regarding the 890 linear feet of exterior retaining walls proposed around the new building. The Commission also asked what was the existing slope of the hill face prior to development of the tract.

Regarding the topography of the site prior to subdivision development, staff estimates that the "building site" indicated on the approved site plan for planned district P-96-8, had an average slope of 29.6%. At the time of planned district approval, the building site was not constrained by slopes of 30% or more, according to the exhibits approved by the City.

The plans submitted by the project architect have not been revised with regards to proposed building location or proposed grading. The site plan and grading plan submitted on August 6, 2004, are identical to the plans reviewed by Planning Commission in July. Neither the project architect nor the project civil engineer has discussed with or presented to staff any project revisions that included moving the building down the slope or revising the design to reduce the amount of exterior retaining walls. The project architect feels the current design "keeps the measure "T" hillside initiative in mind."

Grading Analysis: The project site is on a sloping ten-acre lot with existing ground elevations that vary from 490 feet, along the eastern boundary, to approximately 180 feet, along the western boundary. The proposed residence is located on the western side of the lot, below the 250-foot elevation contour. The project civil engineer estimates grading to be 930 cubic yards of cut, 280 cubic yards of fill (including 30 cubic yards of shrinkage), for a total grading of 1,210 cubic yards. Because total grading exceeds 1,000 cubic yards, a preliminary grading plan application has been included with the Planned District minor amendment, for Planning Commission review.

- Retaining Walls: The development of Tract 6850, and the construction of Clara Terrace, included the installation of retaining walls along the private street right-of-way. The project proposes to remove approximately 130 linear feet of retaining walls, including approximately 40 linear feet of walls on the adjacent property (Lot 8). The off-site work must be authorized by the adjacent property owner, prior to issuance of a building, grading, or demolition permit (adjoining Lot 6 also currently owned by the applicant).

According to the project civil engineer, the project proposes the installation of approximately 890 linear feet of exterior retaining walls (walls not integral to the residence or detached garage). The majority of these walls serve one of two purposes. The walls along both sides of the driveway are being used "flatten" out the existing slope in order to provide driveway access to the garages. The other walls, which surround the house, are used to create flat patio areas and walkways, as well as provide sufficient pocket areas for glazing.

The majority of walls are 3 feet or less in height, which is required by condition A-13 of Planned District P-96-8. However there are some walls that exceed this height requirement. Portions of the walls supporting the patio outside the master bedroom and the walkway east of bedrooms 2 and 3 are taller than 3 feet, but shorter than 4 feet. The patio in the southern corner of the residence is partially cantilevered, but is also supported by a retaining wall and fill, which is 4.5 feet tall. The project civil engineer and project architect shall work with staff during the Development Organization review process to reduce the height of all retaining walls to a height of 3 feet or less (Condition 5 of Exhibit "C").

In addition to the retaining walls, the project proposes some graded slopes west of the residence. The graded slope north of the garage is required due to the removal of the existing retaining walls. The project proposes to fill in this area, between the removed wall and the proposed wall along the driveway. There is also a proposed graded slope south of the entry hall. The grading shown in this area, for the most part, is not required. The project civil engineer and project architect shall work with staff during the Development Organization review process to reduce grading shown south of the entry hall (Condition 4 of Exhibit "C").

According to the original Planned District (P-96-8), a building site and auxiliary building site were identified on Lot 7. As verified by the project civil engineer, the entire building site is located on slopes exceeding 30 percent, except for a small portion of the lot at the end of Clara Terrace. Pursuant to Measure T and to the (H-I) Hillside Combining District (and the development policy for the Hill Area), lands having slopes in excess of thirty percent are

constrained. The discussion of this project's construction over slopes in excess of 30% is discussed, above, at Hill Initiative of 2002 (Measure T) Steep Slopes.

Should the Commission decide to approve the project, staff has included findings and conditions for the Preliminary Grading Plan (Exhibit "C").

**Drainage:** The drainage facility serving this site is an existing concrete v-ditch that directs surface runoff to a private storm drain easement. The private storm drain connects to the public storm drain in Lucy Court, to the south. The project civil engineer has proposed a drainage system consisting of a concrete v-ditch on the hillside above the house, a series of field inlets, and storm drain pipes which all discharge to the existing concrete v-ditch. Additionally, the design proposes the removal of approximately 100 feet of existing concrete v-ditch above Lot 9. Prior to issuance of building permits, the project civil engineer shall demonstrate that the existing concrete v-ditch can accommodate the concentrated flow being introduced by the proposed storm drain system. The storm drain design shall be subject to staff review and approval during Development Organization (Condition 6 of Exhibit "C").

**Urban Runoff Clean Water Program:** The Federal Clean Water Act of 1972 and Water Quality Act (1987) require localities throughout the nation to obtain a National Pollutant Discharge Elimination System permit (NPDES) in order to discharge storm water into public waterways such as creeks, rivers, channels and bays. The applicant will comply with the City's Urban Runoff Clean Water Program in accordance with the NPDES requirements issued by the State's Regional Water Quality Control Board (Condition B-6).

**Geologic Hazards:** The site has been identified as an area of potential for both earthquake-induced landslides and liquefaction on the preliminary Seismic Hazard Zones, Niles Quadrangle map, released by the State Geologist on April 19, 2004. It is anticipated that said map would become official on or soon after October 19, 2004. The proposed project would be subject to the provisions of the Seismic Hazard Mapping Act, which would require a site-specific seismic hazard investigation to be completed by the applicant, approved by the City, and filed with the State Geologist. The applicant is responsible for all fees incurred during the review and approval of the seismic hazard report (including peer review fees).

**ENVIRONMENTAL ANALYSIS:** A Mitigated Negative Declaration (EIA-96-65) has been previously prepared and adopted for the Planned District subdivision, which includes the anticipated development of this lot.

**Response from Agencies and Organizations:** No comments for this project have been received to date.

**Development Impact Fees:** This project will be subject to Citywide Development Impact Fees. These fees include fees for fire protection, park facilities, capital facilities, and traffic impact. These fees shall be calculated at the fee rates in effect at the time of building permit issuance (Condition A-4).

**Exhibits:** Exhibit "A" (Site Plan, Site Plan, Grading Plan, Landscape Plan, Floor Plan, Architectural Elevations, Conceptual Landscape Plan)

Exhibit "B" (Project Conditions)

Exhibit "C" (Preliminary Grading Plan Findings and Conditions)

Exhibit "D" (Color and Material Board)

**Informational:** Info "1" (Architect's Design Statement)

Info "2" (Applicant's Visual Analysis)

Info "3" (Additional Visual Analyses Submitted on July 6, 2004)

Info "4" (Staff Report of July 8, 2004)

**Enclosures:** Exhibit "A" (Site Plan, Site Plan, Grading Plan, Landscape Plan, Floor Plan, Architectural Elevations, Conceptual Landscape Plan)

Info "1" (Architect's Design Statement)

Info "3" (Additional Visual Analyses Submitted on July 6, 2004)

Info "4" (Staff Report of July 8, 2004)

**Recommended Actions:**

1. Hold public hearing.
2. Provide further direction to applicant.

<Or>

1. Hold public hearing.
2. Find PLN2004-00214 is in conformance with the relevant provisions contained in the City's existing General Plan and the Hill Area Initiative of 2002, Measure T, as conditioned.
3. Approve PLN2004-00214, as shown on Exhibit "A", subject to conditions on Exhibit "B", and, Preliminary Grading Plan findings and conditions in Exhibit "C".



**Exhibit "B"**  
**Conditions of Approval for PLN2004-00214**  
**Irv Alameda Residence – Planned District Minor Amendment**  
**Clara Terrace, Lot 7 of Tract 6850**

The conditions below are made on the basis of information contained in the staff report and information from the public hearing to the Planning Commission dated August 26, 2004, incorporated herein by reference:

**CONDITIONS OF APPROVAL:**

**General Conditions:**

- A-1 The project shall conform with Exhibit "A" (Site, Architecture, Landscape, and Preliminary Grading Plans), Exhibit "C" (Preliminary Grading Plan Conditions of Approval), Exhibit "D" (Color and Material Sample Board), all conditions of approval set forth herein, and all conditions of approval of Planned District P-96-8.
- A-2 Plans shall be submitted to the Development Organization for review to insure conformance with relevant codes, policies, and other requirements of the Fremont Municipal Code.
- A-3 Minor revisions to plans may be permitted within the overall context of the approved design concept, subject to the approval of the Assistant City Manager during the Development Organization review process.
- A-4 The project shall be subject to Citywide Development Impact Fees. These fees may include fees for fire protection, park facilities, capital facilities and traffic impact. These fees shall be calculated at the rate in effect at the time of building permit issuance.
- A-5 The project plans shall identify Best Management Practices (BMPs) appropriate to the uses conducted on-site to effectively prohibit the entry of pollutants into storm water runoff. The plans will also include storm water quality measures for operation and maintenance of the project.
- A-6 In accordance the Hill Initiative of 2002, an easement, conveyed to the City or the City's appropriate designee, shall be required for the parcel with respect to which development occurs on the parcel. Such easement shall bar any further development that would not be permitted under the Initiative. The easement is negative only; it shall convey no possessory interest to the City, nor confer any right to public access. At such time the parcel is restored to its original condition, such as removal of all structures and grading the parcel substantially back to its pre-development condition, the easement would be terminated.
- A-7 A landscape plan shall be submitted indicating full details regarding (1) paving materials and textures of walkways, (2) lighting of walkways and driveways with low intensity, non-glare type fixtures, (3) screening of driveways and parking areas, and (4) landscaping of site and parkway areas.
- A-8 Development on the site shall be subject to appropriate engineered designs in conformance with current geotechnical standards to meet applicable federal, state and local building and fire code requirements. As part of that requirement, a geotechnical evaluation of the site performed by a qualified engineering consultant, and the peer review of such evaluation may be required. Any mitigating criteria established in the final geotechnical evaluation, as accepted by the City Engineer, shall be incorporated into the project design and implemented during construction.

***During Construction:***

- A-9 The property owner shall be responsible for litter control and sweeping of all paved surfaces. All on-site storm drains shall be cleaned immediately before the start of the rainy season beginning on October 15 each year, subject to the review of the Building/Engineering inspector.

- A-10 Any vehicle or equipment washing/steam cleaning must be done at an appropriately equipped facility that drains to the sanitary sewer. Outdoor washing must be managed in such a way that there is no discharge of soaps, solvents, cleaning agents or other pollutants to the storm drains. Wash water should discharge to the sanitary sewer, subject to review and approval of Union Sanitary District.
- A-11 Construction activities shall be limited to the following hours of operation:
- 7 a.m. to 7 p.m. Monday through Friday
  - 9 a.m. to 6 p.m. Saturday
  - No construction activities allowed on Sunday
- Failure to comply with the above mentioned hours of operation would result in the withholding of inspections.

### **Architecture, Site Plan, and Engineering Conditions**

- B-1 All mechanical equipment, including air conditioning units and PG&E meters, shall be screened from view from adjacent public rights-of-ways and other uses, subject to review and approval during the Development Organization process.
- B-2 Except as allowed by state and federal law, no antennas, including satellite dish antennas, shall be placed on the roof or in the front or side yard areas adjacent to the public rights-of-way. All antennas shall be screened from view from the public rights-of-way, subject to the review and approval of staff during the Development Organization review process.
- B-3 Garbage or trash containers shall be suitably concealed behind permanent screening or fencing or located within the garage, subject to review and approval of staff during the Development Organization review process.
- B-4 No exterior lighting shall be permitted except that which has a concealed source, subject to the review of staff during the Development Organization review process.
- B-5 The developer shall comply with the City's Urban Runoff Clean Water Program in accordance with the NPDES requirements issued by the State's Water Quality Control Board.
- B-6 The project plan shall include erosion control measures to prevent soil, dirt, debris, or other pollutants from entering the storm drain system during and after construction, in accordance with the practices outlined in the Association of Bay Area Governments Erosion and Sediment Control Handbook, California Storm Water Best Management Practice Handbooks, and Regional Water Quality Control Board's Erosion and Sediment Control Field Manual. A separate plan shall be submitted for this purpose and shall be subject to review and approval of the City Engineer during the Development Organization process.
- B-7 The developer is responsible for ensuring that all contractors are aware of all storm water quality measures and that such measures are implemented. Failure to comply with the approved construction Best Management Practices will result in the issuance of correction notices, citations, or stop orders.
- B-8 During construction, the contractor shall maintain temporary construction fencing to delineate the limits of work, including grading, within the project site. The development plans shall show the location and details of the construction fencing, subject to review and approval of staff during Development Organization.

### **Landscaping**

- C-1 All landscaping shall be properly maintained and shall be designed with efficient irrigation practices to reduce runoff, promote surface filtration, and minimize the use of fertilizers and pesticides that can contribute to runoff pollution.

- C-2 This lot shall have only open fencing, subject to the review and approval of staff during the Development Organization review process.
- C-3 All landscape, retaining, and other walls shall be finished on all visible sides to be compatible with the architecture of the house.
- C-4 Special paving treatments shall be provided on all patios and terraces and at identified locations of driveway as shown on approved plans. Paving shall be colored, textured, and/or scored concrete or similar material subject to review and approval during the Development Organization process.
- C-5 All required landscaping shall be installed prior to the issuance of occupancy permits for the residence, subject to the review and approval of staff through the Development Organization review process.

### **Fire Prevention**

- D-1 The project must comply with the California Fire Code and local fire codes, as amended.
- D-2 The applicant shall install an automatic fire sprinkler system in the building for fire protection purposes. Waterflow and control valves must be monitored by a central alarm monitoring system and Central Station. The monitoring system shall have a smoke detector placed over the fire panel, a pull station, and an audible device located in a normally occupied location.
- D-3 Plan, specifications, equipment lists and calculations for the required sprinkler system must be submitted to the Fremont Fire Department Authority and Building Department for review and approval prior to installation. A separate plan review fee is required. Standard Required: N.F.P.A. 13
- D-4 All Automatic Fire Suppression Systems Fire Department connections shall have an address placard installed at the connection.
- D-5 All Fire Department connections shall have a Knox Cap installed on every inlet.
- D-6 Prior to installation, plans and specifications for the underground fire service line must be submitted to the Fremont Fire Authority and Building Division for review and approval. Please include cathodic protection or soils report stating why protection is not required. Standard Required: N.F.P.A. 24 and N.F.P.A 14
- D-7 The applicant shall provide the Fremont Fire Department with a site plan/Civil Utility Plan for approval of public and on-site fire hydrant locations.
- D-8 The applicant shall comply with Fremont code requirements for installation of fire retardant roof coverings.
- D-9 The applicant shall provide all weather surface (paving) for emergency vehicle access within 150 feet of all construction or combustible storage. This access shall be provided before any construction or combustible storage will be allowed. UFC 902.2.1.
- D-10 The applicant shall provide required fire flow (hydrants) on site prior to construction or storage of combustible materials. U.F.C 903.2 & Appendix IIIA. Fire hydrant jumper lines must be at least 6 inches in diameter. This must be completed and inspected before any construction or material storage will be allowed.
- D-11 The applicant shall have a key box (Knox brand) located outside of building/gate, if any, and provide keys to the Fire Department so they may gain access. Vehicle gates may use Knox lock or keyed over-ride switch. Application can be obtained at Fire Administration office, 39100 Liberty Street, Fremont.
- D-12 The applicant shall install Fire alarm system as required. The system must be monitored. The system must be N.F.P.A. 72 compliant and have an interior audible device per the U.F.C Upon completion a "UL" serial

numbered certificate shall be provided at no cost to the City of Fremont Fire and Life Safety Inspector. Fire alarm systems devices shall be addressable and report to the Central Monitoring Station addressable.

- D-13 Address must be visible from the private street.
- D-14 A driveway access serving one dwelling/structure shall have a minimum 20 foot unobstructed width driveway/access road. The access road must provide all portions of the first floor with the required 150 feet access to the rear of the building.
- D-15 This project must meet all Hazardous Fire Area requirements.

**Exhibit "C"**  
**Grading Findings and Conditions of Approval for PLN2004-00214**  
**Irv Alameda Residence – Planned District Minor Amendment**  
**Clara Terrace, Lot 7 of Tract 6850**

**FINDINGS:**

The findings below are made on the basis of information contained in the staff report and information from the public hearing to the Planning Commission dated August 26, 2004, incorporated herein by reference:

- (a) The proposed project described in the application will not have an appearance, due to the grading, excavation, or fill, substantially and negatively different from the existing natural appearance.
- (b) The proposed project described in the application will not result in geologic or topographic instability on or near the site. A peer reviewed geotechnical evaluation of the site will be required prior to the issuance of a building permit.
- (c) The proposed project described in the application will not endanger public sewers, storm drains, watercourses, streets, street improvements, or other property; will not interfere with existing drainage courses; and will not result in debris being deposited on any public way. The applicant is required to submit a plan to control erosion and siltation during and after construction for review and approval by the City Engineer.
- (d) The proposed development is not in any special studies zone nor is there evidence of presence of any fault or active slides per official maps issued by the U.S. Geological Survey and the California Division of Mines and Geology.
- (e) The proposed project described in the application will not unacceptably affect the health, safety, and or welfare of adjacent residents or landowners, nor the citizens of Fremont.

**PRELIMINARY GRADING PLAN CONDITIONS OF APPROVAL:**

- 1. The project shall conform to Exhibit "A" (Preliminary Grading Plan), all conditions of approval set forth herein, and all conditions of approval of Planned District Minor Amendment PLN2004-00214 (Exhibit "B").
- 2. Approval of this Preliminary Grading Plan does not extend to the final detailed design approval necessary to be accomplished in connection with the development plans.
- 3. Approval of this Preliminary Grading Plan shall terminate 24 months from the date of approval by the Planning Commission.
- 4. The project civil engineer and project architect shall work with staff during Development Organization to reduce the grading (cut) shown south of the entry hall.
- 5. The project civil engineer and project architect shall work with staff during the Development Organization review process to reduce the height of all retaining walls to a height of 3 feet or less.
- 6. The on site storm drainage system is not approved with the Preliminary Grading Plan (PLN2004-00214). The applicant shall provide for a functional drainage system subject to City approval during Development Organization review. Hydrologic and hydraulic calculations, including drainage area maps, shall be included with the Development Organization application. The project civil engineer shall demonstrate that the existing concrete v-ditch can accommodate the concentrated flow being introduced by the proposed storm drain system.

7. Grading operations shall be in accordance with recommendations contained in the required soils report and shall be supervised by an engineer registered in the State of California to do such work.
8. Site grading shall not obstruct natural flow from abutting properties or divert drainage from its natural watershed.
9. A disposal site for the off-site haul dirt materials or source for the import fill shall be approved by the City prior to the approval of the grading permit. The off-site haul route for the excess dirt or import fill shall be subject to the approval of the City Engineer.

NOTE TO APPLICANT: The project site is located in an area identified as having the potential for both earthquake-induced landslides and liquefaction by the State Geologist, on the preliminary State of California Seismic Hazard Zones, Niles Quadrangle map. The permitting and development of the project site shall conform to the requirements of the Seismic Hazard Mapping Act, local ordinances, and policies. Preparation of a site-specific geotechnical investigation to identify the seismic hazards and formulate mitigation measures may be required prior to issuance of any building or grading permit.